

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

KASEY SEGUSS,

Plaintiff,

vs.

CINDY HINER; A. THOMAS; DR. JOHN  
DOE; AND UNKNOWN DOES,

Defendants.

CV 18-00102-GF-BMM-JTJ

ORDER

Defendant Thomas was personally served with the Complaint in this matter on October 16, 2018. (Docs. 23, 24.) Therefore, Defendant Thomas's responsive pleading was due on or before November 7, 2018. On November 6, 2018, Defendant Thomas filed a Rule 12(b)(6) Motion to Dismiss and Request for Extension to File Answer. (Doc. 27.) Defendant Thomas moved to dismiss this matter because the matter was referred to counsel for Thomas that afternoon and counsel had not had an opportunity to confer with her client or prepare an Answer. (Doc. 27.)

This Court's Local Rules provides:

A motion, if opposed, must be accompanied by a brief in support filed at the same time as the motion. Briefs in support of a motion must be filed separately from the motion. Failure to timely file a brief will result in denial of the motion, subject to refiling in compliance with

the rule.

L.R. 7.1(d)(1)(A). No brief was filed in support of the motion to dismiss. It will therefore be denied without prejudice and subject to refiling in compliance with Local Rule 7.1(d)(1)(A).

The motion for extension of time to file an answer will be granted but Defendant Thomas must also comply with all deadlines set forth in the Court's October 9, 2018 Scheduling Order (Doc. 20).

Based on the foregoing, the Court issues the following:

**ORDER**

1. Defendant Thomas's Rule 12(b)(6) Motion to Dismiss (Doc. 27) is DENIED WITHOUT PREJUDICE and subject to refiling in compliance with Local Rule 7.1(d)(1)(A).

2. Defendant Thomas's Request for Extension to File Answer (Doc. 27) is GRANTED. Defendant Thomas shall have until November 27, 2018 to file an Answer to Mr. Seguss's Complaint.

DATED this 7th day of November, 2018.

/s/ John Johnston

John Johnston  
United States Magistrate Judge